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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 PATRICIA A MCCOLM,

No. C 09-04132 SI

9 Plaintiff,

10 v.

11 FOREMOST INSURANCE CO,

12 Defendant.  
13 \_\_\_\_\_/

**ORDER GRANTING PLAINTIFF'S EX  
PARTE APPLICATION FOR  
ENLARGEMENT OF TIME; AND  
ORDERING DEFENDANT TO  
RESUBMIT ITS LETTER BRIEF  
REGARDING CONDUCT AS A  
NOTICED MOTION**

14 Several disputes between the parties have arisen during the discovery process. On August 16,  
15 2010, defendant filed a "Letter Brief Re Discovery Responses Per Standing Order #2." On August 31,  
16 2010, defendant filed a "Letter Brief re Motion to Compel Plaintiff's Further Responses to Rule 26(a)  
17 Disclosures." Finally, on September 10, 2010, defendant filed a "Letter Brief Re Motion to Prohibit Pro  
18 Per Plaintiff Patricia McColm From Engaging in Verbally Abusive Conduct."

19 On September 17, 2010, plaintiff, who is proceeding pro se, filed an emergency ex parte  
20 application for enlargement of time to respond to defendant's August 16 and August 31 letter briefs.  
21 In her application, plaintiff also raised an objection to defendant's use of a letter brief rather than a  
22 noticed motion to address plaintiff's alleged conduct.

23 The Court has reviewed the September 10 letter brief, and notes that the letter brief raises issues  
24 that do not ordinarily arise during discovery and requests relief that is not ordinarily granted in  
25 discovery disputes.

26 Good cause having been shown, it is hereby ordered that plaintiff's application for a 45 day  
27 extension to respond to defendant's August 16 and August 31 letter briefs is GRANTED. (Document  
28 64.) Plaintiff's responses are due October 26, 2010, and November 4, 2010, respectively.

1 The Court also orders defendant to refile its September 10 letter brief as a motion, noticed for  
2 hearing on December 16, 2010, at 9:00 a.m. in Courtroom 10. Defendant's motion should be filed by  
3 October 1, 2010. Per this Court's August 15 Order permitting Plaintiff additional time to respond to  
4 motions filed in this case, Plaintiff's opposition is due November 5, 2010. Defendant's reply is due  
5 November 9, 2010.

6 **IT IS SO ORDERED.**

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8 Dated: September 20, 2010



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SUSAN ILLSTON  
United States District Judge